

**IN THE UNITED STATES DISTRICT COURT
FOR THE MIDDLE DISTRICT OF PENNSYLVANIA**

B.L., a minor, by and through her father,
LAWRENCE LEVY, and her mother,
BETTY LOU LEVY,

Plaintiff,

v.

MAHANoy AREA SCHOOL DISTRICT,

Defendant.

NO. 3:17-CV-01734

(JUDGE CAPUTO)

ORDER

NOW, this 21st day of March, 2019, **IT IS HEREBY ORDERED** that:

- (1) The Motion for Summary Judgment filed by Plaintiff B.L. (Doc. 33) is **GRANTED**.
 - (A) Judgment is **ENTERED** in favor of B.L. and against Defendant Mahanoy Area School District.
 - (B) The Court **DECLARES** that Mahanoy Area School District's disciplinary action against B.L. for her out-of-school speech violated B.L.'s rights under the First Amendment to the United States Constitution.
 - (C) The Court **AWARDS** B.L. nominal damages of \$1.
 - (D) Mahanoy Area School District **SHALL** expunge any record of its disciplinary action against B.L.¹

¹

As noted in the Memorandum preceding this Order, B.L. concedes that judgment may be entered in her favor without addressing the constitutionality of the Cheerleading Rules pursuant to which B.L. was punished. (Doc. 53 at 16). I take that to mean B.L. only requests declaratory and injunctive relief related to those Rules (see Doc. 33-1 at ¶¶ 3-4) if the Court necessarily reaches the question of their constitutionality. Because judgment is entered in B.L.'s favor without reaching that question, the Court will not grant the alternative relief B.L. seeks.

- (2) The Motion for Summary Judgment filed by Mahanoy Area School District (Doc. 37) is **DENIED**.
- (3) The Motion to Exclude the Expert Report and Testimony of Lawrence J. Mussoline, PhD, filed by B.L. (Doc. 35) is **DENIED as moot**.
- (4) The Preliminary Injunction issued on October 5, 2017 (Doc. 13) is **DISSOLVED** as of the date of entry of this Order.
- (5) B.L. **SHALL** file any application for reasonable attorneys' fees and costs pursuant to 42 U.S.C. § 1988 or any other provision of law or any motion for extension of time to file such an application within **fourteen (14) days** of the date of entry of this Order.
- (6) The Clerk of Court is directed to mark this case **CLOSED**.

/s/ A. Richard Caputo
A. Richard Caputo
United States District Judge